

MINUTES
SANDY CITY COUNCIL MEETING

Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

January 13, 2009

Meeting was commenced at 7:07 p.m.

PRESENT:

Council Members: Chairman Stephen Smith, Bryant Anderson, Scott Cowdell, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; Assistant CAO Scott Bond; Assistant to the CAO Korbin Lee; Deputy to the Mayor John Hiskey; City Attorney Walter Miller; Assistant Community Development Director Nick Duerksen; Zoning Administrator Brian McCuiston; Public Utilities Director Shane Pace; Chief Engineer for Public Utilities Dan Woodbury; Public Works Director Rick Smith; Police Chief Stephen Chapman; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by **Assistant CAO Scott Bond**, and the Pledge was led by **Boy Scout Michael Schab**, of Troop #817.

2. **SPECIAL PRESENTATION:**

a. **Alta High Varsity Football Team** [7:11:26 PM](#)

Mayor Dolan along with **Council Chairman Stephen Smith** presented resolutions of commendations to the Alta High School Varsity Football Team and their coaches for their successful 2008 season and for winning the 5A State Championship. Mayor Dolan noted that he donated \$1,000 to the Jordan Education Foundation for the Alta High Football Program. He looks forward to many football championships in the years to come.

3. **CITIZEN(S) COMMENTS:**

a. There were no citizen comments.

Public Hearings

4. **Code Amendment – Special Exceptions- Officers, Board & Commission** [:14:21](#)

Public Hearing to consider a code amendment that will resolve a conflict of duties with the Planning Commission and the Board of Adjustment related to special exceptions.

BACKGROUND

The Sandy City Community Development Department has filed a request to amend Section 15A-03 Officers, Boards, and Commission, Title 15A, Land Development Code, Revised Ordinances of Sandy City. The purpose of the Code Amendment is to resolve a conflict of duties with the Planning Commission and the Board of Adjustment related to special exceptions. The proposed change has been attached as **Exhibit "A"**.

PROPOSAL

With the re-write of the new Sandy City Land Development Code that was adopted on September 16, 2008 the duties of the Planning Commission and Board of Adjustment were modified. Special exceptions are no longer reviewed by the Board of Adjustment, but rather are now under the review and approval of the Planning Commission. This Code Amendment is to fix some minor text amendments that were not caught during the final review of the new code.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in §15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

15A-01-03 Purpose

This Code is adopted to implement Sandy City's General Plan and to promote: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General
 - a. To facilitate the orderly growth and development of Sandy City.
 - b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
 - c. To stabilize property values.
 - d. To enhance the economic well being of Sandy City and its inhabitants.
2. Implementation of General Plan
To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.
3. Comprehensive, Consistent, and Equitable Regulations
To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
4. Efficiently and Effectively Managed Procedures
 - a. To promote fair procedures that is efficient and effective in terms of time and expense.
 - b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
 - c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed Code Amendment will create consistency and equitable standards under which special exception requests will be evaluated.

STAFF RECOMMENDATION

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A", attached, for the following reason:

1. Compliance with the Purpose of the Land Development Code by creating consistency and

equitable standards under which special exception requests will be evaluated.

Exhibit "A"

15A-03-03 Land Use Authorities

A. Planning Commission

4. Powers and Duties.

d. Special Exceptions. The Planning Commission may review and decide special exceptions to the terms of the Sandy City Development Code, provided that such special exceptions on which the Planning Commission shall be authorized to pass shall be limited to the following:

(1) Authorize the alteration, movement or enlargement of or addition to a building or structure or sign occupied by a nonconforming use, provided it can be shown by the applicant that:

(a) The building, structure or sign is legally nonconforming; and

(b) The alteration, movement, enlargement or addition is in keeping with the intent of this Code; and

(c) That the proposed alteration, movement, enlargement, or addition will not impose undue burden upon the lands located in the vicinity of the nonconforming use or structure.

(d) That the proposed deviation from code requirements is the minimum needed to achieve a reasonable use of the property, which use is to be justified by written findings of the Board of Adjustment Planning Commission.

(e) That all requirements governing nonconforming signs will be adhered to.

(2) Permit the building on a nonconforming lot, where it can be shown by the applicant that:

(a) The lot is legally nonconforming.

(b) The construction of a building upon the nonconforming lot will be in harmony with one or more of the purposes of this Title as stated in Section 15A-01-03 hereof and shall be in keeping with the intent of this ordinance.

(c) The proposed building will not impose undue burden upon the lands located in the vicinity of the nonconforming lot.

(3) Where a parcel of land was at least 1-1/2 times as wide and 1-1/2 times as large in area as required for a lot in the district at the time this Code was adopted, permit the division of the parcel into two lots. The person requesting the special exception must show that the land in question qualifies for this exception.

(4) Where a zone boundary line divides a lot which was in single ownership at the time of

passage of

the this Code, the Planning Commission may permit, as a special exception, the extension of regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(5) Permit the installation of an electrical transmission line above ground provided the Board Planning Commission finds that exposure to electrical magnetic fields and other risks and adverse impact to land value and aesthetics will be reasonably mitigated by prudent avoidances measures.

(a) The term "prudent avoidance" shall refer to those practices and standards which serve to minimize degradation of community aesthetics and real property values, and avoid exposure

to electrical and magnetic fields and other public risks. Such practices and standards include, but are not limited to purchasing additional right-of-way, altering line configuration, selection of alternative routes, utilizing or enlarging capacity in existing substations or transmission facilities, undergrounding, shielding, public education, research and testing, and discouraging siting near sensitive areas and structures such as residences, hospitals, churches, libraries, parks, child-care centers, and schools.

(b) The person or entity proposing to install transmission lines shall bear the burden of showing reasonable mitigation by prudent avoidance.

(6) Permit a structure which is attached to the dwelling structure ("attached structure") to extend into the required side yard setback provided the owner/applicant complies with the following:

(a) Establishes that the attached structure existed at the time of the adoption of this section (05/21/96);

(b) The attached structure complies with all other requirements of this Development Code, the International Building Code (IBC), the International Fire Code (IFC), and other applicable city, state or federal laws;

(c) The attached structure conforms and is aesthetically compatible with the design, color and materials of the dwelling structure to which it is attached;

(d) The current owner/applicant purchases a building permit which will provide that all appropriate inspections will be made; and

(e) The current owner/applicant complies with all requirements, established pursuant to the inspections or by law, necessary to comply with the IBC, IFC and other city, state or federal laws.

(f) Extension of an attached structure into the side yard setback will be allowed on one side of the dwelling only. In order to obtain approval for an attached structure to extend into one side yard setback, all structures encroaching into the other side setback must be removed and the setback maintained free of obstructions (exclusive of fencing) for fire access into the rear of the dwelling.

(g) After issuance of a permit for an attached structure hereunder, the dwelling structure may not be altered, enlarged, added to or moved unless and until the attached structure is removed and all structures on the property thereafter comply with the side yard setback regulations.

(h) After issuance of a permit hereunder, the attached structure shall not be altered, enlarged,

added to, moved or its use changed. If such enlargement, alteration, addition, movement or change of use occurs, the attached structure must be restored to the configuration and use upon which the permit was issued or it must be removed entirely.

(i) A photograph of the dwelling structure and its attached structure shall be submitted with the application for a special exception.

(j) After approval of a special exception and issuance of a building permit and after inspections are made and all requirements complied with, the City will issue a Notice of Compliance which will set forth the conditions under which the approval and permit were issued. The Notice of Compliance must be filed with the County Recorder and proof of that filing must be submitted to the Department.

(7) Before taking action on any special exception request, the Planning Commission shall review it at a public meeting. In the event that the Planning Commission decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and the duration of the building, structure, or part thereof to be permitted.

Chairman Smith opened then closed the Public Hearing as there were no comments. [:15:50 PM](#)

Motion: Chris McCandless made the motion to have documents brought back to adopt the Code Amendment – Special Exceptions- Officers, Board & Commission to resolve a conflict of duties with the Planning Commission and the Board of Adjustment related to special exceptions as recommended by Staff and the Planning Commission.

Second: Dennis Tenney

Vote: McCandless – Yes, Tenney-Yes, Anderson- Yes, Saville- Yes, Fairbanks- Yes, Cowdell-Yes. Smith- Yes

Motion Approved: All in Favor

5. **Code Amendment – Utility Boxes, Title 15 Land Development Code** [:17:05 PM](#)
Public Hearing to consider a code amendment that will regulate the location of utility boxes for new developments.

Discussion: BACKGROUND

The Sandy City Community Development Department has filed a request to amend Section 15A-23-12, Utilities, Title 15A, Land Development Code, Revised Ordinances of Sandy City. The purpose of the Code Amendment is to regulate the location of utility boxes for new developments. The proposed change has been attached as Exhibit "A".

PROPOSAL

The 2008 Sandy City Land Development Code regulates where utility boxes, e.g. transformers, switch gear, telephone, cable tv, back flow preventers, etc., are located for a new commercial, office, or industrial development. Currently, they are required to be placed underground or moved behind the front building setback (typically 30 feet from the front property line) and screened from view.

While reviewing one of our new commercial developments, we have concluded that it is not always possible to locate the utility boxes behind the front setback. Community Development staff met with representatives for Rocky Mountain Power to come to a better understanding regarding where the boxes need to be located. The outcome of this meeting provided staff with a better

understanding in what should be recommended in this proposed Code Amendment.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in §15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

15A-01-03 Purpose

This Code is adopted to implement Sandy City's General Plan and to promote: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. **General**
 - a. To facilitate the orderly growth and development of Sandy City.
2. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
3. To stabilize property values.
4. To enhance the economic well being of Sandy City and its inhabitants.
2. **Implementation of General Plan**

To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.
3. **Comprehensive, Consistent, and Equitable Regulations**

To establish a system of fair, comprehensive, consistent, and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
4. **Efficiently and Effectively Managed Procedures**
 - a. To promote fair procedures that are efficient and effective in terms of time and expense.
 - b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
 - c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed Code Amendment will create consistent and equitable regulations, standards, and procedures for review and approval of all proposed land development within the City.

GENERAL PLAN COMPLIANCE

One of the goals of the Sandy City General Plan is to "Enhance the community image of Sandy for visitors and residents" (Community Identity Goal 2.0, page 2-17). This Code Amendment will help meet this goal by establishing reasonable zoning standards for siting utility facilities in a fair manner that will accomplish the needs of the utility companies, developers, and the City.

STAFF RECOMMENDATION

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as

shown in Exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by creating consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
2. Compliance with the Goals and Policies of the General Plan of enhancing the community image of Sandy City by establishing reasonable zoning standards for siting of utility facilities in a fair manner that will accomplish the needs of the utility companies, developers, and the City.

Exhibit "A"

15A-23-12 Utilities.

- A. Transformers shall be grouped with other utility meters where possible. ~~They shall be screened with vegetation or other appropriate method as determined by the Director. Gas meters and electric service meters and panels shall be located on the side of the building. Gas meters, electric service meter panels, electric service entrance equipment, and other utility boxes shall be attached to the side of the buildings and shall be painted to match the adjacent building wall.~~
- B. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility. Prior to construction, contact must be made with "Blue Stakes" to identify underground utility lines.
- C. Where overhead poles exist, service lines to new developments must be placed underground from the nearest overhead service pole.
- D. This section does not require removal of any existing electrical transmission facilities and electrical distribution lines nor does it restrict the repair, minor relocation, and maintenance of any such existing facilities, except that the developer shall be responsible for the removing of utility poles out of the public right-of-way that may be left in the right-of-way after public improvements associated with the project are completed. All utility lines associated with the pre-existing utility pole(s) shall be placed underground across the frontage of the development.
- E. For developments with frontages of 500 feet or less, the owners or developers of the property may, at the City's option and upon approval from the Director of Public Utilities, pay to the City a fee in lieu of burying existing overhead facilities across the frontage. The fee shall be deposited into a restricted capital projects account to pay the cost of burial at that site in the future. The amount of the fee shall be set by the City Council based upon an evaluation of reasonable burial costs.
- F. Street Tree/Street Light Coordination. Actual tree spacing during site plan review may be adjusted, as necessary, to match existing streetscape or to adapt to unique on-site conditions that would justify such, e.g. topography, street lights, power lines and poles, and

other utilities. In some cases, street trees may need to be placed behind sidewalks, or eliminated, in order to accommodate on-site conditions. Parkstrips on arterial and collector streets should accommodate street trees, street lights, and other needed utilities. Street trees should be placed such that the street lighting system functions properly and achieves the desired result.

G. All utility boxes, e.g., transformers, switch gear, telephone, cable tv, back flow preventers, etc., shall be shown on the site plan and utility plan and shall be placed underground or ~~moved behind the front building setback (typically 30 feet from the front property line)~~ where possible. Where not possible or impracticable as determined by the Director, they may be located a minimum of 5 feet from any sidewalk or parking lot curbing. Said utility boxes shall not be located within any required traffic sight triangle(s), as determined by the Sandy City Transportation Engineer and shall be screened from view with appropriate landscaping or other appropriate method as determined by the Director. Each box shall be shown in its exact location and shall be noted with its exact height, width, and length.

Chairman Smith opened the Public Hearing. As there were no comments, the Public Hearing was closed.

Council Discussion [:20:16 PM](#)

Chris McCandless asked if burial of utility boxes was at the option of Rocky Mountain Power or the Community Development Director.

Brian McCuistion indicated that it would be at the Community Development Director's discretion. Rocky Mountain Power expressed concern on how costly it is to bury utility boxes. Staff felt comfortable with the caveat that has been placed in Exhibit "A" item G where it states: ***where not possible or impracticable as determined by the Director, they may be located a minimum of 5 feet from any sidewalk or parking lot curbing.***

Chris McCandless expressed concern that Rocky Mountain Power may require all new projects to bury transformers, vaults, and boxes, along with weather proofing. This will dramatically increase cost to the builders and commercial developers. He expressed concern that utility companies will be able to mandate the burial of utility boxes, He asked if the site triangle was based on traffic perspective, and if so, did it need further clarification.

Brian McCuistion stated that the site triangle was based on traffic perspective.

Chris McCandless asked if Staff would add the word ***traffic sight triangle*** to the code for further clarification.

Brian McCuistion stated that he did not believe that Rocky Mountain Power would require developers to bury utility boxes. This was a City issue. Staff would prefer that utility boxes buried be buried since they are very unsightly.

Chris McCandless could not understand how the City could ask developers to increase their costs especially in an economic downturn. He asked Staff to bring the code amendment back with his proposed text change, and to keep utility boxes out of the sight triangle at least 30 feet back or 5 feet on the side yard. In his opinion, this would not be as offensive.

Dennis Tenney asked what Rocky Mountain Power's opinions were regarding the proposed change to the code.

Brian McCuistion stated that the Planning Commission reviewed the code amendment prior to

discussing the changes with Rocky Mountain Power. Rocky Mountain had their engineers review the changes and they stated that they were comfortable with them. There has been good communication between them and the city along with a better understanding of what each others perspectives are. By placing utility boxes 5 feet back from the setback, it allows for landscaping around the boxes so they are not so visible.

Dennis Tenney asked who would be responsible for the landscaping around the utility boxes.

Brian McCuistion stated that it would be the developers' responsibility to pay for the landscaping.

Bryant Anderson asked if the proposed changes in the code would apply to residential areas.

Brian McCuistion stated that the code amendment applies only to the commercial and industrial projects.

Motion: **Bryant Anderson** made the motion to have documents brought back to adopt the Code Amendment – Utility Boxes, Title 15 Land Development Code, regulating the location of utility boxes for new developments with the proposed amendment to clarify the sight triangle as a “**traffic sight triangle**”. [:25:05 PM](#)

Second: **Linda Martinez Saville**

Vote: **Anderson- Yes, Saville- Yes, Tenney- Yes, McCandless-No, Fairbanks- No, Cowdell-No, Smith- Yes,**

Motion Approved: 4 in favor – 3 opposed

Steve Fairbanks commented that’ “At some point we get a blemish on our face, and we just have to live with it.” “We can’t cover everything”.

Scott Cowdell stated that ultimately the cost will fall back onto the consumers.

Steve Fairbanks stated, “Exactly, So let’s live with the blemish”.

Chris McCandless stated that his concern is that the City is raising costs at a time when we should be cutting back.

Steve Smith asked that Staff keep a close eye on this situation and keep the Council informed if this issue needs to be readdressed.

COUNCIL ITEM(S):

6. **Ms. Utah Senior America (funding for services rendered [\$500.00])** [:27:46 PM](#)

Discussion: **Assistant to the CAO Korban Lee** reported that Barbara Newman, a Sandy resident, was awarded the title of Ms. Utah Senior America, in July, 2008. She also competed nationally in the Ms. Senior America Pageant in Atlantic City. This title carries various responsibilities and commitments. She travels throughout the State at her own expense, participating in events such as the Huntsman World Senior games, opening various new Senior Centers, greeter and hostess for the Sandy Arts Guild, Sandy City Holiday Open House, Sandy Appreciation Awards banquet, along with performing at the Sandy Senior Center. The request is for a grant of \$500.00 to help off-set her personal costs. A line item for requests such as this is included in the overall City non-departmental budget, and does not require the adoption of a formal budget resolution. The Administration is asking for the Council’s support. [:29:26 PM](#)

Chris McCandless asked if a quid pro quo study had been completed verifying the costs of services rendered for the \$500.00 donation. [:29:42 PM](#)

Korban Lee reported that Ms. Newman has already donated many hours of community service to Sandy. She is committed to share her talents with the Sandy community throughout the remainder of her title time. The Administration believes that her service, combined with her ability to positively represent the City throughout the State as Ms. Senior Utah America, warrants participation from the City. [:30:00 PM](#)

Dennis Tenney felt it would be appropriate to invite Ms. Newman to a City Council Meeting for special recognition.

Scott Cowdell felt that the representation she gives to the City will be well worth the contribution.

Stephen Smith asked if the Administration needed formal action from the Council.

Korban Lee stated that they only need informal approval from the Council.

Mr. Smith stated, "I think that you have it".

7. **Jessop Annexation** [7:31:05 PM](#):

Ordinance #09- 04 - annexing territory located at approximately 10521 Dimple Dell Road, Salt Lake County, comprising approximately 1.54 acres, into Sandy City; establishing zoning for the annexed property; also providing a severance and effective date for the annexation.

Motion: **Dennis Tenney** made the motion to adopt **Ordinance #09- 04**, annexing territory located at approximately 10521 Dimple Dell Road, Salt Lake County, comprising approximately 1.54 acres, into Sandy City; establishing the R-1-40A zoning for the annexed property; also providing a severance and effective date for the annexation.

Second: **Steve Fairbanks**

Vote: **Tenney- Yes, Fairbanks-Yes, Cowdell-Yes, Saville- Yes, McCandless- Yes, Anderson- Yes, Smith- Yes,**

Motion Approved: All in Favor

8. **Adoption of the 2008 National Electrical Code as adopted by the State of Utah** [7:31:51 PM](#)

Discussion: **Assistant Community Development Director Nick Duerksen** reported that adopting the 2008 National Electrical Code by the State of Utah will allow our City Inspectors to enforce the code in our City.

Steve Fairbanks asked if there were any significant changes to the code.

Nick Duerksen stated that a few slight changes were made to the code.

Motion: **Bryant Anderson** made the motion to adopt the 2008 National Electrical Code as adopted by the State of Utah. [:32:21 PM](#)

Second: **Dennis Tenney**

Vote: **Anderson- Yes, Tenney- Yes, McCandless-Yes, Saville- Yes, Fairbanks- Yes, Cowdell- Yes,**

Smith- Yes

Motion Approved; All in Favor

9. **Appointing a Representative to the Metropolitan Water District of Salt Lake City and Sandy Board of Trustees**

Resolution #09 –05 C – appointing a representative from Sandy City to the Board of Trustees of the Metropolitan Water District of Salt Lake City and Sandy. [for period January 13, 2009 through January 8, 2013]

Motion: **Dennis Tenney** made the motion to adopt **Resolution #09-05 C** appointing Don Milne as a representative from Sandy City to the Board of Trustees of the Metropolitan Water District of Salt Lake City and Sandy.

Second: **Scott Cowdell**

Motion: Tenney- Yes, Cowdell- Yes, Fairbanks- Yes, Saville- Yes, McCandless- Yes, Anderson- Yes, Smith-Yes.

Motion Approved: All in Favor

10. **2008 Storm Water Master Plan Update** :34:04 PM

Discussion: **Dan Woodbury, Chief Engineer for Public Utilities**, presented a power point presentation summarizing the 2008 Storm Water Master Plan update.[Ref: Exhibit "A"] Revisions to the plan began back in 2007. Portions of the old 1998 master plan were also implemented. Staff felt the plan needed to be updated since significant amounts of improvements have taken place over the last ten years. He reviewed the existing storm water system, the hydraulic model and analysis, the Capital Improvement Plan, and rate study.

Chris McCandless struggled with the fact that 30" pipes would be required for new projects and the costs associated with them. Installing pipes of that size will be complex especially with the existing underground utilities. He would prefer the size requirement to be less than 30". He approved of the list of prioritized projects, and felt that perimeter cities [Midvale, Cottonwood Heights, and Draper] should be required to participate in funding their portion of the improvements. If they cannot participate, the project should be moved back on the priority list. Long infrastructure lines such as the South Jordan Parkway to the Jordan River could be made into a retention basin to help recharge the water aquifer. This would be cheaper in the long run. :49:00 PM

Shane Pace reported that multiple cities participated in the 114th South project along with federal grants to fund the project. The concept of the 30" pipe was a recommendation from one of the Public Utilities Advisory Board members, Don Milne, who designed storm water systems in Los Angeles. Staff thought it was a good recommendation. There will be times when smaller pipes will be acceptable. Projects will be altered according to the existing infrastructure in the roadway. :51:17 PM

Chris McCandless recommended that a provision be placed in the master plan providing flexibility to change the size of the pipe when needed. :52:05 PM

Shane Pace stated that going smaller than a 30" pipe would makes it difficult to clean and inspect the pipes.:52:35 PM

Chris McCandless stated that it would be nice if something similar to the Urban Fishery could be used rather than long runs of larger diameter pipes.

Shane Pace reported that retention basins are very efficient if built correctly. There also can be problems associated with them such as high water tables in basements of homes that surround them. :52:59 PM

Dan Woodbury noted that there are retention basins in private, commercial, and residential areas

that are not maintained by the City. [:53:33 PM](#)

Chris McCandless asked if some of the projects would qualify for CDA or RDA funding instead of bonding. He would like a provision placed in that master plan where the fees revert to the \$5.00 per month fee once the bonds are paid for. Mr. McCandless stated that he would forward his recommendations on to Shane Pace.

Dennis Tenney stated that he concurred with Mr. McCandless's comments and felt that they should be incorporated into the master plan; especially the flexibility of going with smaller pipes where possible. He complimented staff on the master plan. [:56:17 PM](#)

Bryant Anderson asked what process the Department used to prioritize the projects. He asked if the department had an historical data base on neighborhoods that have flooding problems. Projects with the highest potential for flooding should be addressed first. [:57:15 PM](#)

Dan Woodbury reported that costs estimates, risk factors, property damage, loss of life, and flooding concerns, were factors in determining the prioritization of the projects. The City has a data base that tracks areas that have experienced flooding. [:58:47 PM](#)

Scott Cowdell also believed that the items addressed by Mr. McCandless were reasonable. He felt that caution should be taken with cities that are not willing to participate. We need to make certain that our residents are protected even if the costs fall back on the City. Impact fees charged for improvements should be taken off even when the projects have been completed. [:00:52 PM](#)

Shane Pace commented that the 80th South project was high priority five years ago. Midvale and Salt Lake County were not ready to participate at the time. The City made improvements to the section from 80th South to Union Middle School and the detention basin. Improvements to Midvale's and Salt Lake County's portion of the pipeline will take place when they have funding available. The rate structure is divided into two categories: operation costs and capital improvement costs. He believes the fee structure should continue this way so that capital improvement rates can be eliminated when projects are completed. [:02:02 PM](#)

Mayor Dolan noted that the update to the Storm Water Master Plan was federally mandated for cities with populations nearing 100,000. The City received a substantial amount of federal funds to assist with some of the projects. Improvements to the system have also resolved some of the major flooding concerns in the City. He questioned whether other cities were implementing their storm water master plans.

Dan Woodbury stated that other communities are implementing their own plans. He has served as Chairman of the State ADHOC Storm Water Advisory Committee, which has been operating since 2001. Sandy participates with Salt Lake County. Sandy issues their permits through Salt Lake County.

Linda Martinez Saville complemented staff on their presentation.

Steve Smith asked if the Council needed to take formal action on this item.

Shane Pace indicated that this should be adopted by resolution since it is a capital project plan and part of the City's overall general plan. Mr. Pace stated that Mr. McCandless's recommendations will be considered by Staff. They will bring the final amended document back for approval in the near future.

Steve Smith asked how long Mr. Pace thought the process would take,

Shane Pace felt that it would only take a few weeks to make the modifications to the plan.

11. **Approval of Legislative Policy (Council Officers Selection)** :09:02 PM

Discussion: **Phil Glenn** reported that per the direction of the Council, he prepared a policy for the selection of the Council Chairman based on rotation and seniority. The policy also recommends that the individual who is next in seniority would be appointed as the vice chairman. A secretary would need to be appointed to the Redevelopment Agency and Municipal Building Authority boards.

Steve Smith felt that a motion should be entertained since the policy was before the Council

Scott Cowdell clarified that once a motion has been made, and if it fails, the Council would revert to the previous policy where the Chairman and Vice Chairman would be nominated by ballot, and the Vice Chair would automatically become the chairman at the end of the six month term.

Phil Glenn stated that the policy is for the Council's consideration, and that they do not have to act on it if they so choose. If the policy is defeated, anyone who votes in the majority could bring the issue back for discussion either tonight or later for another alternative.

Motion: **Scott Cowdell** made the motion to adopt the Legislative Policy for Council Officers Selection as presented.

Second: **Dennis Tenney**

Discussion on the Motion:

Steve Fairbanks stated that he opposes the change since it is contrary to the history the Council has operated under in the past. He does not believe this issue needs to be addressed since a policy already exists that determines who the next chairman will be based on his or her election as a vice chair. He does not see the purpose for this.

Chris McCandless stated that he echoed some of Mr. Fairbanks's feelings. He stated that he was not going to "fall on his sword" on this issue. He could support the new policy subject to a few changes.

- Drawing lots to determine who serves first
- At Large Council members serving as Chairman every other term.
- Districts serving in order by number [District #1-#2-#3-#4].
- Election of a Chairman could be overridden at the request of three or more members of the Council.
- New Council members not be allowed to serve as Chair until they have a minimum of six months experience.

Seniority is not always the right choice, making it difficult to keep track of the rotation. Scott Cowdell and Bryant Anderson have served as chair seven times, Dennis Tenney five times, Linda Martinez Saville four times, and the new members one time. He believes a simple rotational schedule would be fairer, and would not "box" the Council in a corner if someone becomes Chairman that the majority of the Council members may not approve of.

Steve Smith asked Mr. McCandless if he was proposing his recommendations as an amendment to the motion.

Chris McCandless requested that his recommendations be part of the motion.

Steve Fairbanks asked the Council why they would want to take away their right to vote. Votes are sacred to everyone. These changes makes no sense.

Scott Cowdell stated that he would call the question once Mr. Anderson presented his comments. He suggested that the Council vote and see what happens.

Bryant Anderson felt this issue had "blown up" into something bigger than it should be. He noted that he did not serve as Chairman until he had been on the Council for eight years. He believes the current policy leads into a political battle that ends up with hard feelings between the Council. He was not opposed to Mr. McCandless's suggestion of having a ballot vote as long as it had the majority vote of the Council. The idea of a senior rotation evaporates once the first appointment is made. It then becomes a rotation. He would like to see a system of rotation to help eliminate some of the political aspects of choosing a Chairman.

Dennis Tenney asked Mr. Anderson if he was in favor of the seniority system.

Bryant Anderson stated that the seniority system applies only to the first time around. After that, those individuals move to the bottom of the rotation list which then changes the order of seniority.

Dennis Tenney believed that the seniority system, if adopted, would give every member an opportunity to serve as Chairman. There would be eight six month terms in a four year period. This would be fair and equitable. He also agreed with some of Mr. McCandless's recommendations. There are advantages to a seniority rotation since it provides an opportunity for individuals who have served on the Council for long terms to share their experience. If the seniority system fails, he would endorse the concept of a simple rotation system

Steve Fairbanks stated that it was apparent that he stands alone in his feelings on this issue. He believes what is being proposed is contrary to the principals of good government, and that the proposal has not been completely thought through. There seems to be a nuance involved that is escaping some individuals; that is our freedom to make a choice. There is no advantage to a Seniority rotation, since the Council has never done it before. In organizations where they live by seniority, you often get mediocrity; case in point, Washington D.C. Many of the leaders are there because of seniority and do very little. Worst of all, it takes away a certain amount of freedom to choose your leader. We are being forced into a situation that we don't need to be forced into especially if the change is based on personalities.

Scott Cowdell reported that it was his recommendation that the policy be changed to a seniority rotation in order to avoid hurt feelings, and for the process to be fairer with everyone having an opportunity to serve as Chairman and represent their constituents.

Chris McCandless asked Mr. Cowdell if his [Chris's] amendments were included in the motion when he called the question.

Scott Cowdell stated that his motion was without Mr. McCandless's amendments. When he met with Mr. Glenn to put the proposal together, a rotation by district was considered. He would not oppose rotation by district as long as there was an understanding that new replacements would be placed on the bottom of the seniority list.

Phil Glenn verified that Mr. Cowdell was the author of the proposed policy change, not him. He felt that many of the Council may be interpreting the change in ways that were different from what was written. This would not be a simple rotation. If a new person is elected, that person would not be in a regular rotation. The new individual would be required to wait until everyone who is ahead

of them in seniority has had another turn in the rotation.

Stephen Smith stated that theoretically, someone who is elected, and depending on subsequent general elections and on the rotation of seniority, could never become chair.

Phil Glenn stated that in the worse case scenario, someone could be Chair within a four year period.

Chris McCandless asked what the protocol was if a chairman refused to grant a council member's request to have something placed on the agenda.

Scott Cowdell stated that this has happened before. The individual would bring this to the attention of the entire Council during a meeting. A majority vote would be held with the Council to place that item on an agenda.

Chris McCandless strongly felt that the Council should have the opportunity to have options. If collectively, six out of the seven council members do not like a person for the chair, they should have the ability to vote that person out of that position.

Dennis Tenney stated that he feels very comfortable with Mr. McCandless's recommendations because they adhere to the concept of rotation. He stated that as far as seniority is concerned, in one of the most respected institutions in this State, which I am aware of; the highest echelons follow a system of seniority. There is merit to the concept of experience. The fact remains that whatever is or is not adopted this evening doesn't preclude this or future Councils from changing the policy. If there is an individual the majority of the Council has a concern with, they can change the policy. That is what democracy is all about.

Bryant Anderson asked Mr. Cowdell if he would consider amending the motion to require that a five vote majority would be required to change the order of rotation.

Scott Cowdell felt that a 2/3rd majority vote would not be very democratic.

Dennis Tenney also agreed since the power would be relegated to the minority.

Bryant Anderson stated that he could accept Mr. Cowdell's and Mr. Tenney's opinions. He asked if his following recommendation could be added to the motion: An individual who does not wish to serve as Chairman at their time of the rotation, be skipped over.

Scott Cowdell called the question on the motion.

Stephen Smith stated that he would delay the question in order to make his comments. He stated that Mr. Fairbanks did not stand alone in his opinions. He stated that he had "heartburn" over the proposed change. He believes that Scott bought the seniority rotation forward because Steve Fairbanks had previously made an open nomination for chairman rather than going through the secret ballot process. A senior rotation would ultimately devalue and weaken the position of the Chairman. He respects Mr. Cowdell's position that being a Chairman allows an individual to bring issues of consideration before the Council. The system that the Council currently uses to elect a Chairman already denies representation to ¾ of the City 60% of the time, and ignores that fact that three Council members are elected to represent the entire city. Relegating the Council to a rotational system would "box" the Council into a situation that would deprive them from governing themselves and selecting their leadership. Voting is one of the founding principles of our democracy, and senior rotation, in his opinion, would be undemocratic promoting an attitude of mediocrity. The Chair carries with it a certain amount of respect, accomplishment, merit, and

competency. All this would be stripped away with a rotation system.

Mr. Smith presented a substitute policy [see attached] that he wrote. He presented it to the Council for their review. The policy is similar to the current policy but would allow for open nominations for the Chairman, and the individual elected as Vice Chairman would become the Chairman at the end of the six month term.

Motion: Dennis Tenney made a motion to cease debate.
Second: Chris McCandless
Vote: The Council all responded verbally in the affirmative

Substitute Motion:

Motion: Steve Smith made the motion to adopt his written policy which is the same as the current policy where the Vice Chairman automatically becomes Chairman and to allow open nominations in a formal Council meeting.
Second: Chris McCandless
Vote: Smith- Yes, McCandless- Yes, Cowdell- No, Fairbanks-Yes,Saville- No, Tenney-No, Anderson- No.

Motion Fails: 3 in favor – 4 opposed

Vote on Mr. Cowdell's original motion: [:50:47 PM](#)

Vote: Cowdell- Yes, Tenney- Yes, Anderson- Yes, McCandless- No, Saville- Yes, Fairbanks- No, Smith- No.

Motion Approved: 4 in favor – 3 opposed

Steve Fairbanks commented that the worst thing a legislative body can do is to pass legislation when it is not necessary.

12. **Appointing a Vice Chairman to the Sandy City Council**
Resolution #09- 06 C – appointing a Vice Chairman to the Sandy City Council to fill a six month term beginning January 13, 2009 and ending June 30, 2009.

Motion: Scott Cowdell made the motion to adopt **Resolution #09-06 C**, appointing **Bryant Anderson** as Vice Chairman to the Sandy City Council to fill a six month term beginning January 13, 2009 and ending June 30, 2009.

Second: Dennis Tenney

Vote: Cowdell- Yes, Tenney-Yes, Anderson- Yes, McCandless-Yes, Saville- Yes, Fairbanks-No, Smith-No

Motion Approved: 5 in favor- 2 opposed

13. **Approval of Legislative Policy (Acting Chairperson in absence of Chair and Vice Chair)**
[:52:31 PM](#)

Discussion: Chairman Stephen Smith reported that he had asked to bring this policy change to the attention of the Council. There may be a time when both the Chair and Vice Chair are absent from a noticed meeting. He is proposing that the most senior member present at the meeting become the acting chairman in the absences of the Chair and Vice Chair.

The official motion on this item was deferred to Other Council Business.

14. **MAYOR'S REPORT** [8:54:14 PM](#)

a. Mayor Dolan handed out the weekly departmental reports to the Council. He announced

that the Eagles will be coming in concert to ReAL on Saturday, May 9th. ReAL is planning and working on a week of celebrations with various activities at the stadium.

- b. He reported that he was invited by Wasatch Lawn to speak to their senior support group on the happenings in the City.
- c. He reported on a meeting that was held today with members of the Noel Bateman Committee.

15. **CAO'S REPORT 8:59:44 PM**

- a. **Byron Jorgenson** reported that the City is over budget on snow and salt removal. The Administration would like to bring a resolution to transfer money from contingency into this account.

Stephen Smith suggested bringing this item back for approval at the January 27th City Council Meeting.

16. **COUNCIL OFFICE DIRECTOR'S REPORT 9:00:37 PM**

- a. **Phil Glenn** reported that the Sandy Quadrant Meeting had been scheduled for Tuesday, February 3rd, 2009, at the ReAL Stadium, but Staff has been trying for weeks to get ReAL to commit to the date. He asked Mayor Dolan if he would contact ReAL to confirm the Council's request.

Mayor Dolan stated that he would speak with the President of ReAL to confirm the date.

- b. **Mr. Glenn** confirmed that the only Council members not attending the Local Officials Day at the Legislature were Scott Cowdell and Linda Martienz Saville. He also confirmed that Scott Cowdell would no longer be going to Washington D. C for the National League of Cities Conference in March. Dennis Tenney and Bryant Anderson have been registered for the Conference.

17. **OTHER COUNCIL BUSINESS**

- a. **Scott Cowdell** reported that he has heard from various Realtors that the housing market in Utah has bottomed out and that there was more activity in selling homes. He asked Mr. Fairbanks if he found this to be true.

Steve Fairbanks stated that this could be similar to beauty; it is in the eye of the beholder. Some people believe the market has reached the bottom, others do not. There are still credit and money issues that need to be addressed.

- b. **Scott Cowdell** stated that he felt it would be prudent for the City to approach the new School District suggesting that the City inspect their buildings. He believes the City could do a much better job.

Mayor Dolan noted that the state law does not currently allow cities to inspect school district buildings.

Nick Duerksen reported that the school district could contract with the City to inspect their buildings.

Scott asked if the Council would support looking into city inspections for the new school district buildings.

Nick Duerksen felt that our Chief Building official would favor the City doing this. However, many of the school districts already have their own inspectors.

c. **Scott Cowdell** requested that a discussion be held with the Administration to determine if it would be prudent for the City to bond for capital improvement projects, and to determine if it would save the City money in the long term.

Byron Jorgenson stated that the Administration would hold a discussion with the Council within the next two months once the sales tax reports have come in from Christmas.

d. **Dennis Tenney** reported that he attended the monthly Association of Municipal Council's meeting. They held a very productive discussion on the Jordan River Blue Print.

e. **Chris McCandless** liked the idea of pursuing bonding options for capital improvement projects as long as a funding mechanism is in place to repay the bonds. He would like to know if bonding is an option based in today's financial markets.

f. **Chris McCandless** reported that the regional Joint Wilderness Initiative Committee supports a resolution from the City that would give greater municipal input and control on the wilderness initiative going before Congress.

g. **Mr. McCandless** would like discussion to continue with Staff and UTA on the TOD overlay zone. He met with UTA and they stated that they would like to move forward with the City.

h. **Mr. McCandless** presented an update to the Council on the various citizen committees that he sits on.

i. **Mr. McCandless** reported that Gold Cross Ambulance donated an ambulance to the City's Sister City, Peidras Negras.

j. **Bryant Anderson** stated that he would like to see separate paths installed on the north rim trail. He believes that horses should be separated from the people.

Chris McCandless stated that two separate plans are in the master plan.

k. **Stephen Smith** invited Scott Cowdell and Linda Martinez Saville to present any items they would like to have addressed during the Sandy Quadrant Meeting.

:17:03 PM

Approval of Legislative Policy (Acting Chairperson in absence of Chair and Vice Chair)

Motion: **Stephen Smith** made the motion to adopt the Legislative Policy, Acting Chairperson Policy

In the absence of Chair and Vice Chair, as written and proposed, and that the Redevelopment Agency and Building Authority Secretary be selected in a public meeting every six months.

Second: **Dennis Tenney**

Vote: **The Council all responded verbally in the affirmative to the motion.**

At approximately 9:18 p.m., **Scott Cowdell** made a motion to adjourn Council Meeting, motion seconded by **Dennis Tenney**.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Stephen P. Smith
Council Chairman

Pam Lehman
Council Office Manager Xm011309.min